

REMARKS

Claims 1-4, 6, 8-12, 14-28 and 30-35 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Reconsideration and allowance of this application are respectfully requested.

ENTRY OF AMENDMENT AFTER FINAL REJECTION

Entry of the amendment is requested under 37 CFR § 1.116 because the amendment: a) place the application in condition for allowance for the reasons discussed herein; b) do not present any additional claims without canceling the corresponding number of final rejected claims; and c) place the application in better form for appeal, if an appeal is necessary. Entry of the amendment is thus respectfully requested.

EXAMINER'S INTERVIEW

Applicants appreciate the courtesies extended to Applicants' representative during the telephonic interview conducted on May 30, 2006.

The purpose of the interview was to discuss the Office Action mailed March 7, 2006 and the Amendment filed on December 27, 2005 in response thereto. The primary emphasis of the discussion was directed to independent claim 1.

During the interview, Applicants' representative asserted that Killion and/or Ruegg fail to disclose or suggest "an integrated microphone assembly", as recited in claim 1. However, after numerous attempts, the Examiner was unresponsive and stated that the applied references teach the claimed invention, as broadly recited. Applicants' representative then suggested additional claim amendments to distinguish over the applied references. Specifically, Applicants' representative suggested that none of the references teach or suggest "a casing surrounds at least a part of the one or more surround inlet ports" as depicted in Figs. 1-3, for example. The Examiner appeared responsive to the suggested

amendment, and indicated that the claimed invention appears to be patentably distinct over the applied references. The Examiner further stated that he will conduct an updated search; and if no prior art is found that reads on the claims, he will issue a Notice of Allowability.

In an effort to expedite prosecution, this Amendment amends claim 1 to recite that "a casing surrounds at least a part of the one or more surround inlet ports", as agreed by the Examiner. Thus, independent claim 1 and its dependent claims are now in condition for allowance.

ELECTION/RESTRICTION

Applicants remind the Examiner that claims 14-16, 18-28, 30-33 and 35 should be rejoined if claim 1 is allowed¹.

OBJECTION TO THE DRAWINGS

The drawings are objected to under 376 C.F.R. § 1.83(a). Specifically, the Examiner indicates that "the controlling device comprising a switch" (claim 10), must be shown or the feature canceled from the claim.

Applicants respectfully submit that at least Figs. 1-3 illustrate a "switch". As defined by Merriam-Webster Online Dictionary (copy attached), a "switch" may mean "a device for making, breaking, or changing the connections in an electrical circuit". Accordingly, it is submitted that the sound inlet port 5 (as depicted in Figs. 1-3) encompasses a switch for making or changing the connections of the electrical circuit.

Reconsideration and withdrawal of the objection are respectfully requested.

¹ See Office Action dated August 25, 2006, page 8, item 12.

CLAIM REJECTIONS - 35 U.S.C. § 102 (KILLION)

Claims 1-4, 6, 8-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b), as being anticipated by Killion et al. (hereinafter "Killion"), U.S. Pat. No. 5,524,056. This rejection is respectfully traversed.

As discussed and agreed by the Examiner during the interview, Applicants submit that Killion fails to disclose or suggest, *inter alia*, "a casing surrounds at least a part of the one or more surround inlet ports", as recited in claim 1.

Applicants have read the entire passage of Killion and cannot ascertain a "casing", let alone, a casing that surrounds at least a part of one or more surround inlet ports. As an example embodiment of the present invention, Figs. 1-3 illustrate a casing 8 surrounding at least a portion of the surround inlet ports 5.

Because Killion fails to disclose each and every feature of claim 1, it cannot provide a basis for a rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable. Claims 2-4, 6, 8-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1. Withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. § 102 (RUEGG)

Claims 1-4, 6, 8-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ruegg, U.S. Pat. No. 3,875,349. This rejection is respectfully traversed.

As discussed and agreed by the Examiner during the interview, Ruegg fails to disclose or suggest, *inter alia*, "a casing surrounds at least a part of the one or more surround inlet ports", as recited in claim 1.

As similarly discussed above with regard to Killion, Ruegg also fails to disclose or suggest a "casing" member.

Because Ruegg fails to disclose each and every feature of claim 1, it cannot provide a basis for rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable over Ruegg. Claims 2-4, 6, 8-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1. Withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 11 and 12 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Killion or Ruegg. This rejection is respectfully traversed.

Applicants submit that the combination of Killion and Ruegg fails to cure the noted deficiency set forth above with respect to Killion and Ruegg. In particular, Killion and Ruegg neither disclose nor suggest the casing surrounds at least a part of the one or more surround inlet ports, as recited in claim 1. Accordingly, as Killion and Ruegg fail to teach or suggest each features of the claim, the rejection under 35 U.S.C. § 103 is improper. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-4, 6, 8-12, 14-28 and 30-35 in connection with the present application is earnestly solicited.

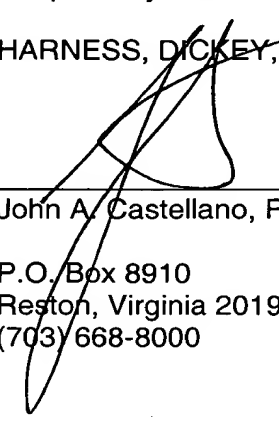
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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switch

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Main Entry: **1switch**

Pronunciation: 'swich

Function: *noun*

Etymology: perhaps from Middle Dutch *swijch* twig

1 : a slender flexible whip, rod, or twig <a riding *switch*>

2 : an act of *switching* : as **a** : a blow with a switch **b** : a shift from one to another **c** : a change from the usual

3 : a tuft of long hairs at the end of the tail of an animal (as a cow) -- see *COW* illustration

4 a : a device made usually of two movable rails and necessary connections and designed to turn a locomotive or train from one track to another **b** : a railroad siding

5 : a device for making, breaking, or changing the connections in an electrical circuit

6 : a heavy strand of hair used in addition to a person's own hair for some coiffures

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